

**Metropolitan Government of Nashville and Davidson County  
Department of Public Works**

**PLAN INSURING NEW CONSTRUCTION COMPLIANCE  
AND  
FIVE YEAR SCHEDULE FOR COMPLETION OF ADA IMPROVEMENTS  
IDENTIFIED IN INVENTORY**

**Report:** In July of 1999, each department of the Metropolitan Government of Nashville and Davidson County completed an additional evaluation of its services, programs, activities and facilities offered to the public to insure continuing accessibility in compliance with Title II of the Americans for Disabilities Act, 1990 (ADA). As a result of this most recent evaluation, the Department of Public Works has revised its transition plan. Please note that this updated plan was designed to implement improvements using the Justice Department's Standards for Accessible Design, 28 CFR Part 36, App. A, (JDSAD). The management of the Department of Public Works has approved the following plan:

**Priority One:** Many transportation activities, including walking, bicycling, transit, freight movement, and automobile travel occur within the public right-of-way. The public right-of-way harbors hardware, such as traffic signals and streetlights that supports those activities. In many cases the right-of-way also contains public utilities. Each activity occurring in the public right-of-way has specific design needs and constraints, and each is administered by multiple agencies including but not limited to the Department of Public Works. In the past, conflicts between competing right-of-way activities controlled by agencies other than the Department of Public Works have produced conditions that discourage pedestrian travel. *It is a priority of the Department of Public Works to create a "pedestrian design guide" which will integrate the wide range of right-of-way design criteria and practices into a coherent set of comprehensive standards that, over time, will promote an environment conducive to pedestrian travel in compliance with the Americans for Disabilities Act.*

As of January 1, 2000, *the Department of Public Works certifies that all new construction of public sidewalk ramps under the control of the Department of Public Works will be in complete compliance with the Americans with Disabilities Act.* Additionally, any improvements to existing curb ramps will comply with these standards. Sidewalk ramp construction shall conform to Department of Public Works standard drawings ST-214, ST-214A, and the Justice Department's Standards for Accessible Design, 28 CFR Part 36, App. A, (JDSAD). All work that is completed, whether by Department of Public Works' personnel or outside contractors, will be inspected for compliance. A record of each inspection will be maintained by the Department of Public Works.

Further more, *the Department of Public Works' internal policies will be reviewed and updates will be written in conjunction with current and future policies of the Metropolitan Planning Commission and the Metropolitan Codes Department, and shall be enforced on all Metropolitan Government construction projects.* Strict measures will be taken to assure that any road or sidewalk built in conjunction with private development of new subdivisions will meet the standards of these departmental policies. Improvements that do not meet these standards will be closely scrutinized. Every effort will be made to assure ADA compliance before the Department of Public Works accepts control over and responsibility for new subdivisions.

**Priority Two:** Curb ramps provide critical access between the sidewalk and the street for people with mobility impairments. Title II of the ADA requires curb ramps to be installed where existing pedestrian walkways cross a curb or other barrier so people with mobility impairments are not excluded from the public benefits provided by sidewalks. *Curb ramps must be included in all new construction and alterations.* As of 1992, the department has made it a priority to repair, construct and maintain curb ramps in accordance with the guidelines set forth in the ADA.

In order to assure that the Department of Public Works maintains ADA compliance, the department is in the process of updating its inventory of curb ramps in Davidson County. Additional information to be included in the updated inventory is as follows:

- a. A comprehensive inventory of curb ramps that would include the ramp's location and physical aspects; and
- b. If, upon review for compliance, the curb ramps fail to meet current ADA standards, obstructions to accessibility will be outlined.

An updated inventory containing the information listed above has been completed for the following priority areas in Davidson County: MTA bus stops, hospitals, Davidson County Schools, all offices and facilities of the Metropolitan Government, polling places used by the Election Commission, and all parking lots/garages owned by the Metropolitan Government. *Completion of the updated inventory for the remainder of public right-of-way in Davidson County has been set for February 2001.*

#### **Projected Cost:**

Initial cost paid towards the updated inventory, including development of the inventory scope, personnel training, and database development compatible with GIS and inventory of areas outlined as priority in the Americans with Disabilities Act: **\$50,000.**

Estimated expense for completion of the remaining county inventory: **\$240,000.**

**Priority Three:** *A five year construction schedule for curb ramp improvements has been adopted to assure that the Metropolitan Government's public right-of-ways will reach and maintain complete compliance with the latest ADA standards. This schedule includes curb ramp maintenance, repair and installation, beginning in the calendar year 2000 and continuing through the calendar year 2005. It is the intention of the Department of Public Works that at the end of the calendar year 2005 all curb ramps under the Metropolitan Government's control will be completely ADA compliant. Accordingly, priority will be given to any and all areas that have been modified, altered, or constructed from 1992 continuing to the present date.*

Until July 1999, the department did not recognize milling and paving as an “alteration” as defined in the ADA; “alteration” being defined as “Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in such a manner that affects or could affect the accessibility of the facility or part of the facility shall, or the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.” *Beginning January 1, 2000, the department will include in the annual paving project an inspection of curb ramps located on the streets included in the project. If it is found that new curb ramps should be installed, or maintenance given to existing curb ramps, in order to maintain compliance under the ADA, funding will be requested to complete the necessary work. It is anticipated that all curb ramp installations or improvements will be completed no later than sixty days following the completion of the paving project.*

Additionally, the department does not discriminate on the basis of age, race, sex, color, national origin or disability in admission to, access to, or operations of its programs, services, or activities. Because of this, the department has designated a departmental ADA Coordinator and will investigate individual requests for accommodation that are made in regard to curb ramps. *Individual requests for accommodation will be reviewed as a priority and, if approved, accommodations will be completed within sixty days of project approval, subject to funding appropriations for such projects.*

**Projected Cost:** Based on the actual figures averaged over the last five years, and the updated curb ramp inventory results, it is estimated that *the department will maintain and install curb ramps at the rate of 360 curb ramps per year for the next five years, beginning with the 2000-2001 budget year.*

Proposed cost to Metro Government is:

360 ramps @ \$500 per ramp- \$ 180,000.00 annually (x) 5 years =  
**\$900,000.00**

Since this \$900,000 is not included in the current budget, the funding for this project will be considered as a capitol project. While Public Works can request that the funding be

made available, the Metropolitan Council must approve that request. The department, in conjunction with the Metropolitan Government's Department of Law, is investigating alternative funding resources.

**Closing:** As the Americans with Disabilities Act of 1990 was a landmark civil rights law that identifies and prohibits discrimination against people with disabilities, the Department of Public Works continues to make a commitment to reach and maintain complete compliance as mandated under the ADA with regard to accessibility. While the department has committed the sidewalk program to constructing curb ramps in accordance with the ADA, specific language set out in the DOJ standards has been recently interpreted and brought some clarification to the construction requirements of the ADA, such as:

- *New construction must be fully accessible according to the standards of JDSAD. New construction is held to the highest standard of accessibility because the cost of providing accessible features is minimal compared to the overall cost of construction.*
- *Alterations and new additions must meet new construction standards unless technically infeasible.*
- *Modifications that affect usability are considered alterations under the ADA. For example, according to the US DOJ Technical Assistance Manual, resurfacing of a roadway beyond normal maintenance is an alteration; however, construction limited in scope to a spot repair such as repainting markings or patching potholes is considered routine maintenance and does not trigger additional access retrofit requirements.*

In closing, agencies responsible for building and maintaining sidewalks are obligated under the ADA to address public right-of-way accessibility. The Department of Public Works and the Metropolitan Government remain committed to reaching and maintaining complete compliance with the Americans with Disabilities Act.